



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

MAILED

JUN 21 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerhard Kring	:	DECISION
Application No. 10/057,019	:	ON PETITION
Filed: January 25, 2002	:	
Attorney Docket No. 112740-515	:	

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed April 19, 2010.

The petition under 37 CFR 1.137(b) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is due on renewed petition.

The above-identified application became abandoned for failure to timely file an Appeal Brief in response to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed June 22, 2006, which set an extendable period for reply of one month. No Appeal Brief having been received, the application became abandoned on July 23, 2006. The Office mailed a Notice of Abandonment on November 8, 2006.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d).

The instant petition lacks requirements (1) and (3) above.

With regard to requirement (1) above, petitioner has not submitted an Appeal Brief, but rather, has submitted another Notice of Appeal.

With regard to requirement (3) above, as the instant application has been abandoned for an extended period of time, on renewed petition, petitioner must account for the delay in filing the petition to revive.

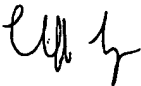
The Power of Attorney filed on June 15, 2010 has been entered.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

By FAX: (571)273-8300
 Attn: Office of Petitions

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.



Cliff Congo
Petitions Attorney
Office of Petitions